

Remarks

The Applicants believe that this amendment places the subject application in better condition for allowance and in so doing introduces no new issues. Therefore, entry of this Amendment, reconsideration of the application, and allowance of all claims pending herein is respectfully requested.

Claims 1-54 were originally presented in the subject application. By the foregoing amendment, claims 1, 2, 4, 10 and 39-44 have been amended, and new claim 55 has been added, to more particularly point out and distinctly claim the inventive material of the subject invention. In addition, non-elected claims 13-38 and 45-54 have been withdrawn without prejudice or disclaimer pursuant to a Restriction requirement. Claims 1-12, 39-44 and 55 remain in this case.

As requested, applicant has complied with the Examiner's suggestions by reviewing all of the cited prior art references, and has amended the claims accordingly. The Examiner's specific concerns are addressed separately below in the order raised in the outstanding Office action.

No new matter has been added.

Rejections under 35 U.S.C. §102

Claims 1, 3, 6-9, 11, 12, 39 and 42-44 stand rejected under 35 U.S.C. §102 as being anticipated by Payne et al. (U.S. Patent No. 6,676,511). The Office action states that:

Payne et al. discloses the claimed invention of having a slot machine with a triangular display. Note that because the slot machine disclosed herein has 10 blocks, the triangular sections can overlap thus meet the limitations of claims 7 and 9. Also, the winline/payout lines meet the selector means of claim 8. Further, picking a payline meets picking a block within claim 12."

Claims 10 and 40 also stand rejected under 35 U.S.C. §102 as being anticipated by Sesti et al. (U.S. Patent No. 3,706,456). In this regard, the Office action states that:

Because Sesti et al. uses cards to facilitate game movement it meets the game of chance limitation and the table game limitation. As seen from the drawings in Sesti et al., its disclosure reads on the claim limitations within the instant claims in that the display is pyramid in shape.

This rejection, to the extent that it might be considered pertinent to the amended and new claims presented herewith, is respectfully traversed. It is well settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. As amended, applicant's independent claims 1 and 39, and the Payne et al. reference clearly do not have the same elements.

As amended, and added, claims 1, 39 and 55 each recite a triangular display including "7 to 10 rows", and "28 to 55 blocks". Claims 1 and 55 also recite a "random number generator configured to generate and display a value corresponding to a marking" on each block, and an "input module configured" to enable a player to actively interact with the game, such as with a "touch screen, a touch pad, a keypad, a keyboard, a coin/chip acceptor, and a pointer", e.g., to enable a player to either "hold or replace" the assigned value or replace it with another value to be determined by the random number generator. Claim 55 further recites that the location of the blocks within the display is "hierarchical, so that relative value... corresponds to the location within the triangular display. Claims 1 and 39 further recite a "set of characters [or markings] being representative of... companies... [to] serve as commercial advertisements".

Applicant believes these characteristics were implicit in the subject claims as originally presented, by virtue, for example, of the recitation in original claim 2 of "from about five to about 10 rows and from about 15 to about 55 blocks", by the recitation in original claim 11 of "an input module for receiving a wager, said input module being selected from the group consisting of a touch screen, a touch pad, a keypad, a keyboard, a coin/chip acceptor, and a pointer", by the recitation in original claim 12 of "a random number generator", and by the recitation in original claim 4 of "markings... representative of... companies", such that no new search is required and no new matter has been added. Additional support for these

characteristics, including the hierarchical valuation of blocks in the display may be found in the discussion of the various number of winning combinations and the odds of achieving them, in the instant specification on page 14, lines 3-30, and in the discussion on page 7, lines 11-17, of each row of the triangular display corresponding to a distinct industry. Together, these recitations define a structure which is distinct from that disclosed in Payne et al. Specifically, Payne et al. disclose a slot machine that uses 10 blocks of 'symbol carrying elements... arranged in a non-orthogonal and/or non-rectangular array'. The Payne et al. slot machine uses a reel to spin the various symbol carrying elements, displays the elements along paylines, determines the arrangement of the symbols, and determines the award based on the arrangement of the elements.

In contrast, Applicant's claimed invention uses 28 to 55 blocks, in 7 to 10 rows, in games of chance selected from the group consisting of a table game, a matching game and a video game. Applicant's claimed invention is not a slot machine, and uses far more than Payne et al.'s 10 blocks, and as such, is distinct therefrom.

Moreover, neither Payne et al. nor the other cited art discloses an input module (claims 1, 55) configured to enable a player to review and affect the operation of the game, such as by selecting particular blocks for making a wager, and for holding or replacing particular blocks as claimed. This aspect thus further distinguishes the claimed invention from the art of record, including the slot machine of Payne et al.

Still further, none of the cited references disclose the integration of company names into the game itself for advertising purposes (claims 1, 39), or of displaying these names 'hierarchically' (claim 55) so that the relative value of characters or markings corresponds to the location within the triangular display.

Dependent claims 7, 9-10 and 40, and new independent claim 55, are drawn to embodiments of the subject invention which are further distinguished from the cited art. These claims recite a plurality of the aforementioned triangular displays, for example, a player's

display, and a house display. A random number generator indicates a value for each marking on these displays. The player reviews the value of the markings (e.g., a stock or a playing card) and may use the input module to either hold the value or select another value. The game then compares the value of the player's triangular display with the house's triangular display, and the display with the highest value is the winner.

Another embodiment contemplated by dependent claims 7, 9-10 and 40, and by new independent claim 55, is a matching game including a plurality of the aforementioned triangular displays. Each of the displays has a distinct pattern of symbols displayed thereon. A player may select one or more of the triangular displays. Winning numbers associated with the particular markings shown on the displays, are generated by a random number generator and are displayed and/or called out by a game manager. Each player marks the winning number on their triangular display. A winner is determined when the predetermined pattern displayed on the triangular display is completed.

In a still further embodiment, recited in claim 42, the blocks of the triangular display are provided with characters representative of various companies, with each of the various rows corresponding to a distinct industry. This aspect is neither disclosed nor taught in the prior art.

Advantageously, as discussed in the subject application, these embodiments of the subject invention provide a distinctive and inviting display that tends to attract onlookers and encourage them to play the various games associated therewith. In addition, the number and type of games, as well as the number of winning combinations and the odds of achieving them, are widely variable, which further enhances the level of player interest. Moreover, the geometry of the claimed displays enables the odds of winning to be easily calculated and controlled, even as the games are modified from time to time, e.g., to provide a house advantage.

In particular, the combinations of groups upon which a player may place bets are essentially unlimited, which is potentially advantageous in that it adds substantial variety to the

number and types of bets that may be placed and therefore may appeal to players who become easily bored with the repetition associated with other games of chance (e.g., roulette).

Additionally, depending upon the group or groups selected, players may place bets having a wide range of odds (i.e., winning percentages). For example, a player preferring relatively large payouts at relatively low odds may select a single block. Conversely, a player preferring relatively high odds (e.g., at relatively low payouts) may select a group of blocks including substantially all of the odd or even numbered blocks. Alternately, a player preferring medium odds may select a group of blocks (e.g., row g in Fig. 2 of the instant application). These advantages are not provided by the slot machine of Payne et al., or in any of the other cited art.

Still further, the incorporation of company names integrally into the display and game serves to actively engage the player with the particular companies in a manner that does not generally occur with conventional billboard, print media, and even televised advertisements, which are merely passively viewed. Rather, the incorporation of company names into the display as now claimed, such as in the form of stock ticker symbols with stock prices that fluctuate as the game is played, optionally as a user makes input decisions, create an effective and lasting impression in the minds of players. Such an association with specific companies may be highly valued by potential advertisers for both product and for general name recognition, and may therefore present a secondary source of revenue to owners of games embodying the claimed invention.

Accordingly, all the elements of the subject invention are not found in exactly the same situation in Payne et al., nor are they united to perform the identical function. As such, Applicant submits that the Payne et al. reference does not anticipate the subject invention as now claimed.

Non-Obviousness

Moreover, as amended, independent claims 1, 39 and 55, and the various dependent claims that stand rejected under 35 U.S.C. §103, are believed to set forth non-obvious subject

matter over Payne et al., viewed independently or combined with any other document of record. None of the cited references teach the claimed combination of a game having one or more triangular displays of 28 to 55 blocks with markings, arranged in 7 to 10 rows, in combination with one or more of an input module configured to enable players to select various groups of the blocks and/or to hold or replace them, a random number generator configured to generate a value for each block based on the markings thereon, integration of markings representative of companies for interactive advertising purposes, correlating each row to a distinct industry, and hierarchical valuation of the markings based on placement in the triangular display. Rather, the games and displays therefor, such as disclosed in Payne et al. and the other cited art, are substantially simpler than those of the present invention.

To summarize the foregoing, the triangular displays of the present invention provide for a wide range of winning patterns, some of which includes a relatively small number of blocks (1, 2 or 3) creating a fast and exciting game that creates a quick turnaround of games with a low payout (see, e.g., page 13, lines 22 – 24 of the specification). Other patterns which include a relatively large number of blocks (28 or more) create a slower game with a larger payout (see, e.g., specification page 13, lines 25 – 29). This is distinguished from conventional games such as Bingo, which typically cannot create games with a small number of blocks (1, 2 or 3) or games with a large number of blocks (28 or more). Moreover, the use of company names to effectively provide interactive commercial advertisements as discussed and claimed herein is not possible because of the limited restraints of such conventional games.

Moreover, arranging the blocks in to a triangular display as claimed, facilitates hierarchical groupings, i.e., since players may select particular rows, such as optionally corresponding to particular industries, which have a number of blocks that is distinct from all other rows. The input module enables the player to have input into the games by making decisions that affect the outcome of the game. In contrast, slot machines and the like only enable a player to initiate the games without enabling any further input or decision making.

Applicants respectfully submit that one of ordinary skill in the art would not have looked to the teachings of Payne et al., which present a relatively simple game and display, to somehow produce the relatively complex, multi-faceted, and customizable display of the present invention. At least one of the references shows no recognition of the problem faced by the applicant, namely, that of providing a display and game that has multiple variations and multiple odds, to maintain the interest of players who may become bored by conventional games. Particular embodiments use input modules and company names to add further interest, by enabling the player to make result-altering decisions with respect to individual companies, to thus actively engage the player while providing effective interactive advertising for the named companies.

As such, the combination of the cited references is not sufficiently pertinent to the particular problem faced by applicant as to reasonably suggest applicant's claimed invention to those skilled in the art, i.e., there is no suggestion in any of the references that they should be combined or modified to produce the claimed invention. Absent such a teaching, suggestion or incentive supporting the combination or modification, one skilled in the art would not have been motivated to modify or combine Payne et al. with any of the other cited art.

Moreover, even if properly combined, the synthesis of structure still would not come within the scope of Applicant invention of a game having one or more triangular displays of 28 to 55 blocks with markings, arranged in 7 to 10 rows, in combination with one or more of an input module configured to enable players to select various groups of the blocks and/or to hold or replace them, a random number generator configured to generate a value for each block based on the markings thereon, integration of markings representative of companies for advertising purposes, and hierarchical valuation of the markings based on placement in the triangular display. Therefore, claims 1, 39 and 55 are felt to be patentably distinct from Payne et al. and the other cited art.

For each of the foregoing alternate reasons, Applicant respectfully requests reconsideration and allowance of amended and new claims 1, 39 and 55 presented herewith. The

dependent claims are believed allowable for the same reasons as the independent claims from which they depend, as well as for their own additional limitations.

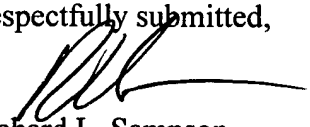
CONCLUSION

Applicant therefore further submits that all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot.

This application is now believed to be in condition for allowance, and such action at an early date is respectfully requested. However, if any matters remain unresolved, the Examiner is encouraged to contact the undersigned by telephone.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-0374** referencing docket no. 1164.001. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



Richard L. Sampson
Attorney for Applicants
Registration No. 37,231

Dated: November 18, 2004

SAMPSON & ASSOCIATES, P.C.
50 Congress Street
Suite 519
Boston, MA 02109
Telephone: (617) 557-2900
Facsimile: (617) 557-0077